(4)

No. 03-1212

In The

Supreme Court of the United States

ROSEMARIE CLAMPITT

V.

STARVING STUDENTS, INC.

On Petition For Writ Of Certiorari
To The Arkansas Court of Appeals

REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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INTRODUCTION

I guess the question is still what is due process, because I submit that an illusory act of a right to be heard is not what our forefathers intended when they drafted our Constitution stating that we had a right to be heard.

After Respondent's extension of time to file Respondent's Brief, my reply brief then became due on May 6, 2004, while I was on the Campaign Trail, as a candidate for the United States Senate to represent the State of Arkansas. I called the court clerk and was informed that formal extensions for a Reply Brief are not given, but as long as this reply was filed before May 27th, it would be accepted. I respectfully submit this REPLY.

The issue of honor within the Judicial Branch is rightfully an issue in this current election. Whether the judiciary is a United States Supreme Court Justice or a small claims (People's Court) judge, we need to return to the rights of the people being represented in court from law written by the legislature and not by law being created by a judge or an attorney.

What Respondent has written in Respondent's Brief is disgusting in its attempts to mislead this honorable court.

REASONS FOR GRANTING THE WRIT

We are not talking about an "intended" ruling in this case. We are talking about an actual ruling by Judge Hill and an actual fabrication of that ruling, in bad faith, by opposing counsel, Elton Rieves, IV, after Judge Hill verified his order immediately after making it and after Mr. Rieves and I discussed it in detail in the hall outside the courtroom immediately after the Hearing. There has been intentional wrongdoing by an officer of the court

and the Reporter's Transcript evidences the true order by Judge Hill.

The Arkansas Court of Appeals found that the last two (2) lines of the order written by Mr. Rieves was not the order made by Judge Hill. Judge Hill also made an order on December 31, in his last 30 minutes of being a Judge for that District (as the result of Amendment 80) that he was leaving the correction to the new Judge assigned. We did not have a hearing with a "new" judge until the June 6 Hearing with Judge Goodson, long after the fabricated order had purportedly been disobeyed.

As detailed in my papers in support of this Petition, I am not the one who failed to provide discovery and Judge Goodson never questioned Mr. Rieves or myself when I presented the intentional mockery of discovery by Mr. Rieves. I also showed that Judge Goodson had not read my motion. For Judge Goodson to dismiss my case since my deposition was **STILL** not scheduled [Emphasis supplied by Judge Goodson] after I presented documents proving that I had attempted to schedule it and Mr. Rieves refused, Judge Goodson denied this petitioner due process.

There was never any evidence whatsoever, to support Respondent's false claim that I was uncooperative with discovery or Respondent's false claim that "Petitioner claims to have been unjustly treated by everyone with whom she came in contact during the proceedings below." My letter to Judge Hill dated December 31, 2001, in APPELLANT'S ABSTRACT, BRIEF AND ADDENDUM, at p.131, nullifies Respondent's false statement.

Respondent is also attempting to mislead this honorable court with the statement in its brief on p.7, "Similarly, the proposed order was sent to Petitioner, but she failed to respond prior to Judge Hill signing and filing

it." The fact is that it was sent to California when Mr. Rieves knew that I was staying in Memphis (just across the Mississippi River) while I was going through storage in Marion, Arkansas, to comply with the production of documents section of Judge Hill's order. Mr. Rieves even mentioned this fact as a slip of the tongue at the Arkansas Court of Appeals Hearing. The Appellate Court asked Mr. Rieves why he would not schedule my deposition in December, while I was in the area, and he replied that the order said that it had to be scheduled in January.

Also, I never sent an "email letter to Respondent's attorney" at any time. The January 14, 2002 letter referred to was FAXED and Mailed. I think that this letter is very important to this honorable court, and it is in APPELLANT'S ABSTRACT, BRIEF AND ADDENDUM, on p.137, 138.

CONCLUSION

Contrary to the statement of Arkansas Law made by Respondent on p. 10 in its brief to this court, I submit that in the case at bar, the mere filing of a pleading does not constitute a right to be heard when the Judge does not read that pleading and does not question its contents.

I submit that the order by Judge Hill was not a final order and could have been corrected by Judge Goodson. In fact, Judge Hill made the entry in the Docket on December 31, 2001, that he was leaving the dispute as to the last two (2) lines of his order for the new judge to decide, and my motion was for the correction of the order. My motion was never heard by Judge Goodson, although it was the only one calendared in this case that day.

The Court of Appeals cited Morrell v Morrell, 48 Ark.App.54, 889 S.W.2d 772(1994) in its decision that the Court was "constrained to review the written order by

Judge Hill," even though the Court found that the written order was not what Judge Hill said. In Morrell, the issue was that a Judge was free to alter his decision prior to it being written, signed and filed with the court. I submit that such is not the situation here. Judge Hill never said what Mr. Rieves wrote regarding the two week period and for the deposition to take place in Crittenden County. It was all fabricated by an Officer of the Court, in bad faith, and Judge Hill made an order on December 31, that he was leaving the disputed written order for the next judge to decide what his order was regarding the scheduling of Plaintiff's deposition.

There were prevailing circumstances for my deposition to not have been scheduled, "still," and Judge Goodson denied this Petitioner due process by not even questioning this Petitioner or Mr. Rieves at the Hearing on the egregious wrongdoings detailed with hard evidence in my motion and at the Hearing. My letter of January 7, 2002, faxed and mailed to Mr. Rieves telling him that I had sent the 234 pages of documents and my attempt to schedule my deposition should be evidence enough that that I was complying with Judge Hill's order. I had to stay in Memphis, for the month of December, to attempt to find the documents in open storage with atrociously damaged boxes, in the snow and freezing rain, while having to use a walker for mobility, and I served INTERROGATORIES on the Defendant on December 28, 2001. I was cooperative with discovery.

Mr. Rieves intentionally fabricated the last two (2) lines of Judge Hill's written order so that he could get sanctions and even asked for terminating sanctions when he knew that Judge Hill had said it would be dismissed without prejudice if I did not obey his order. I did obey Judge Hill's order as to the production of documents and I attempted to schedule my deposition.

CONCLUSION

This Petitioner submits that a gross injustice has occurred in this case and I respectfully request that a Writ of Certiorari be granted.

Respectfully submitted,

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Petitioner, In Propia Persona

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